

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Ray Terzich
Mary Kay Terzich
Debtor(s)

Bankruptcy Case No.: 18-22260-CMB

Chapter: 13
Docket No.: 83 – 80
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 7/12/2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

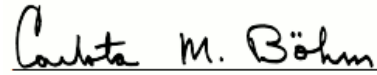
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 10, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Ray Terzich
Mary Kay Terzich
Debtors

Case No. 18-22260-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 10, 2021

User: dsaw
Form ID: 149

Page 1 of 3
Total Noticed: 39

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 12, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Ray Terzich, Mary Kay Terzich, 1234 Pocono Street, Pittsburgh, PA 15218-1112
cr	+ Pittsburgh Water & Sewer Authority, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES 15219-6101
14858078	+ Atlantic Credit & Finance Inc., assignee of Capital One, c/o Apothaker & Associates P.C., 520 Fellowship Road C306, Mount Laurel, NJ 08054-3410
14858079	++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, PO Box 982238, El Paso, TX 79998-2238
14886117	+ Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
14858084	Disover Bank, c/o Stock & Grimes LP, 21 Yost Blvd., Suite 301, Pittsburgh, PA 15221-5283
14858085	Dollar Bank FSB, 3 Gateway Center West, Pittsburgh, PA 15222
14858086	+ Dollar Bank Visa, P.O. Box 3969, Pittsburgh, PA 15230-3969
14858090	+ Edwin A. Abrahamsen & Associates, 120 North Keyer Avenue, Scranton, PA 18504-9701
14858091	+ FBN Omaha, PO Box 3412, Omaha, NE 68103-0412
14858093	KML Law Group, BNY Mellon Independence Center, 701 Market Street - Suite 5000, New York, NY 10106
14858094	+ LVNV Funding LLC, 120 North Keyser Avenue, Scranton, PA 18504-9701
15161551	NewRez LLC d/b/a Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826
14858096	+ Northstar Capital Acquisition LLC, c/o Apothaker & Associates PC, 520 Fellowship Road, C306, Mount Laurel, NJ 08054-3410
14858097	+ Nudelman Klemm & Golub, 425 Eagle Rock Avenue, Suite 403, Roseland, NJ 07068-1717
14860616	++ PERI GARITE, ATTN CARD WORKS, 101 CROSSWAYS PARK DR W, WOODBURY NY 11797-2020 address filed with court:, First National Bank of Omaha, 1620 Dodge Street, Stop code 3105, Omaha, NE 68197
14858099	+ PNC Bank Mortgage Services, PO Box 8703, Dayton, OH 45401-8703
14868029	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
14891200	+ Pittsburgh Water & Sewer Authority, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh, PA 15219-6101
14887660	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123

TOTAL: 20

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14858080	+ Email/Text: kbarkley@bernsteinlaw.com	Sep 10 2021 23:09:00	Bernstein -Burkley, PC, 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14858081	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 10 2021 23:06:52	Capital One Bank, P. O. Box 30281, Salt Lake City, UT 84130-0281
14858082	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 10 2021 23:06:32	Capital One Bank USA NA, 15000 Capital One Drive, Richmond, VA 23286-0001
14858083	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Sep 10 2021 23:20:29	CitiCards CBNA, PO Box 6190, Sioux Falls, SD 57117-6190
14858087	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Sep 10 2021 23:20:27	DSNB/Macy's, PO Box 8218, Mason, OH 45040
14880841	Email/Text: bnc-quantum@quantum3group.com	Sep 10 2021 23:09:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657

District/off: 0315-2

User: dsaw

Page 2 of 3

Date Rcvd: Sep 10, 2021

Form ID: 149

Total Noticed: 39

14894669	+ Email/Text: kburkley@bernsteinlaw.com	Sep 10 2021 23:09:00	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14858092	+ Email/Text: key_bankruptcy_ebnc@keybank.com	Sep 10 2021 23:09:00	Key Bank NA, 4910 Tiedeman Road, Brooklyn, OH 44144-2338
14894753	Email/PDF: resurgentbknotifications@resurgent.com	Sep 10 2021 23:06:54	LVNV Funding, LLC its successors and assigns as, assignee of Citibank (South Dakota), N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14893776	Email/PDF: resurgentbknotifications@resurgent.com	Sep 10 2021 23:06:46	LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14893777	Email/PDF: resurgentbknotifications@resurgent.com	Sep 10 2021 23:06:46	LVNV Funding, LLC its successors and assigns as, assignee of Wells Fargo Financial Bank, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14887804	Email/PDF: resurgentbknotifications@resurgent.com	Sep 10 2021 23:06:46	LVNV Funding, LLC its successors and assigns as, assignee of GE Money Bank, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14894723	Email/PDF: MerrickBKNotifications@Resurgent.com	Sep 10 2021 23:06:35	MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
14858095	+ Email/PDF: MerrickBKNotifications@Resurgent.com	Sep 10 2021 23:06:35	Merrick Bank, P.O. Box 9201, Old Bethpage, NY 11804-9001
14885999	+ Email/Text: bankruptcydpt@mcmcg.com	Sep 10 2021 23:09:00	Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
14858098	Email/Text: Bankruptcy.Notices@pnc.com	Sep 10 2021 23:09:00	PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222
14887466	Email/Text: Bankruptcy.Notices@pnc.com	Sep 10 2021 23:09:00	PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342
14858612	+ Email/PDF: rmscedi@recoverycorp.com	Sep 10 2021 23:06:33	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14858100	Email/PDF: gecsed@recoverycorp.com	Sep 10 2021 23:06:52	SYNCB/Walmart, PO Box 965024, Orlando, FL 32896-5024

TOTAL: 19

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PNC Bank National Association
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	*	NewRez LLC d/b/a Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr	*+	Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
14858088	*P++	DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2223, address filed with court:, DSNB/Macy's, PO Box 8218, Mason, OH 45040
14858089	*P++	DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2223, address filed with court:, DSNB/Macy's, PO Box 8218, Mason, OH 45040

TOTAL: 1 Undeliverable, 6 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities

District/off: 0315-2

User: dsaw

Page 3 of 3

Date Rcvd: Sep 10, 2021

Form ID: 149

Total Noticed: 39

in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 12, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 10, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC Bank National Association bnicholas@kmlawgroup.com
Jeffrey R. Hunt	on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com cnoroski@grblaw.com
Kenneth Steidl	on behalf of Debtor Ray Terzich julie.steidl@steidl-steinberg.com ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Kenneth Steidl	on behalf of Joint Debtor Mary Kay Terzich julie.steidl@steidl-steinberg.com ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 8